

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

v.

**RICHARD M. SCRUSHY,
Defendant.**

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CR-03-BE-0530-S

JOINT MOTION TO VACATE DISCOVERY DATES

The United States of America (the "United States") and Defendant Richard M. Scrushy ("Scrushy"), jointly move to vacate this Court's order, dated November 4, 2003, setting out dates for initial discovery requests and disclosure.

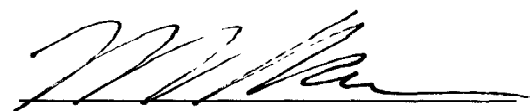
Upon receipt of a request for discovery under Rule 16 (a)(1)(E) of the *Federal Rules of Criminal Procedure*, the United States will, beginning the week of November 10, 2003, provide Scrushy approximately 43 CD-ROMs containing images of thousands of pages of documents, and will permit Scrushy to begin inspecting and copying approximately 400 boxes of documents and other materials Bates stamped and ready for discovery. Should Scrushy provide five hundred CD-ROMS, twenty blank hard drives, and thirteen DLT tapes IV, the United States will begin to copy and provide to Scrushy copies of numerous computer disks and hard drives. The United States will also begin to provide numerous photographs, copies of VHS video tapes, audio tapes and photographs. It is agreed that this procedure does not effect Scrushy's right to make further discovery requests or to file formal motions for discovery. Upon the request of the United States, Scrushy and his attorneys agree to comply with the reciprocal discovery provisions of Rules 16(b)(1)(A) of the *Federal Rules of Criminal Procedure*.

The current order sets out November 12, 2003 as the date for Rule 16 discovery requests to be made, and November 14, 2003 as the date to file pretrial motions. Scrushy cannot obtain and catalogue the discovery he expects to receive from the United States by November 12, 2003. Nor can he respond to reciprocal discovery requests by that date, nor can the United States catalogue reciprocal discovery by that date.

Consequently, the parties request that the present discovery motion dates be vacated and that a status conference be held on December 5, 2003 for the parties to report on the progress of discovery requests and reciprocal discovery requests, and to establish another schedule for pretrial motions, including any discovery motions.

The parties hereby agree that, pursuant to Section 3161 (h)(8)(A) of Title 18, United States Code, the period of delay resulting from the production of this discovery material, that is, the period of time from the receipt of Scrushy's discovery request and December 9, 2003, be excluded in computing the time within which the trial of this action must commence on the grounds that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Respectfully submitted, this the _____ day of November, 2003



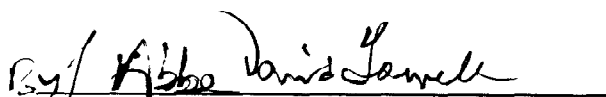
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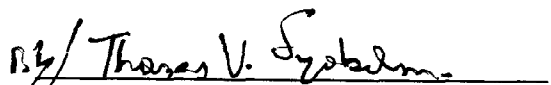
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